

MEMORANDUM

To: Parties in PSB Docket No. 7440

From: Judith C. Whitney, Deputy Clerk of the Board

Re: Schedule for Hearings

Date: April 23, 2009

Technical hearings in this proceeding are scheduled to commence May 18, 2009. In preparation for those hearings, the Public Service Board ("Board") hereby asks that the parties submit by Wednesday, May 6, 2009, a proposed order of witnesses. Parties are encouraged to prepare this proposed order of witnesses collaboratively. The Petitioner should take the lead in communicating with other parties. The witness schedule should identify the specific day on which each witness will testify. The schedule should also identify specific days during the week that each witness is not available. In addition, each party should identify the amount of time that party anticipates using to cross-examine each witness.

The Board strongly encourages parties to focus their cross-examination, wherever possible, to optimize the use of hearing time. Following receipt of these filings, the Board will establish a schedule for witnesses and, if necessary, set limits on the amount of time for cross-examination.

To facilitate the hearings, the Board also intends to adopt the following procedures:

- At the present time, the Board anticipates that hearings will run from 9:30 A.M. to 5:00 P.M. each day.
- Each day, one half hour before the commencement of hearings, a member of the Board's staff will be available to meet with parties' representatives in the hearing room to discuss procedural issues that may arise that day. All parties intending to present evidence or conduct examination that day *must* attend. Issues to be discussed will include the schedule for the day, marking of

exhibits, identification of allegedly confidential information that may be presented that day, objections to testimony or exhibits, and other matters.

- For each day, the Board intends to adopt the following schedule:
 - The hearings will recess for lunch from 12:00 P.M. to 1:15 P.M.
 - The Board will schedule a 15-minute morning break around 10:30 A.M. and a 30-minute afternoon break at 3:00 P.M.
- To the extent that the witness schedule uses fewer than the 12 days now allocated for hearings, parties should give first preference to not using Friday, May 22 (or using only the early part of the day).
- Parties are encouraged to stipulate to the admission of any prefiled testimony and prefiled exhibits to which no party has objected.
- The Board will not permit witnesses to orally summarize their testimony.
- At the beginning of the day, parties should mark for identification any exhibits that they plan to introduce (including those to be used in cross-examination). To the extent feasible, parties should plan to mark each document as a separate exhibit, rather than introducing all of a witness's exhibits or a collection of different documents as a single exhibit. Parties should also prepare a written list of all exhibits (an electronic version would also be appreciated). Parties should ensure that, for exhibits that were not prefiled, and for their exhibit lists, they have sufficient copies to distribute to the Board, Board staff, and other parties. Parties should distribute exhibits that have not been prefiled with other parties prior to the commencement of hearings for that day.
- Witnesses should arrive at the hearing at least one-half hour prior to their estimated starting time, unless the witness is the first witness of the day.
- The time used to introduce witnesses, prefiled testimony, and exhibits should be kept to a minimum.

Electronic Copies of Filings

Each party that has not already done so should send the Clerk of the Board (at psb.clerk@state.vt.us) electronic copies of prefiled testimony and exhibits.¹ Also, parties should file electronic copies of briefs and reply briefs at the same time they file the written copies. To the extent that parties file this material in .pdf format, the Board requests that parties ensure that the .pdf file is encoded in a manner that allows text to be searched and selectively extracted rather than as an image. Alternatively, parties should submit the prefiled testimony, exhibits, and briefs in their original, non-pdf format.

¹Parties need not file copies, electronically, of confidential testimony and exhibits.